

ORDINANCE No. 116635

COUNCIL BILL No. 109606

pass me

Law Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Honorable President:

Your Committee on Transportation

to which was referred the within Council Bill No. 109606
report that we have considered the same and respectfully recommend that the same

Passed 4-0

Full Council Vote 9-0

COMPTROLLER FILE No.

Introduced: <u>MAR 22 1993</u>	By: <u>CHOE</u>
Referred: <u>MAR 22 1993</u>	To: <u>TRANSPORTATION</u>
Referred:	To:
Referred:	To:
Reported: <u>APR 12 1993</u>	Second Reading: <u>APR 12 1993</u>
Third Reading: <u>APR 12 1993</u>	Signed: <u>APR 12 1993</u>
Presented to Mayor: <u>APR 13 1993</u>	Approved: <u>APR 13 1993</u>
Referred to City Clerk: <u>APR 14 1993</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: <u>OK</u>

Maria Choe
Committee Chair

ORDINANCE 116635

AN ORDINANCE vacating a portion of Fifth Avenue West and certain other streets and alleys on the petition of Seattle Pacific University (SPU) (Comptroller File No. 296078).

WHEREAS, there has been filed with the City Council the petition of Seattle Pacific University (Comptroller's File No. 296078), for the vacation of Fifth Avenue West et al as therein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on January 15, 1991, said petition was granted by the City Council; and

WHEREAS, pursuant to Section 35.79.030 and Seattle Municipal Code Chapter 15.62, in lieu of the payment of a vacation fee, the petitioner has deeded to the City property which is dedicated for street purposes. Said property has a value which exceeds one-half the appraised value of the property approved for vacation according to an appraisal obtained by the Director of Engineering; and

Now, Therefore:

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

Fifth Avenue West from West Dravus to West Bertona Street, and;

Fourth Avenue West from West Dravus Street to its dead end approximately 180 feet north of West Dravus Street, and

Alley in Block 3, Victory Addition being the alley between Fourth Avenue West and Fifth Avenue West and from West Dravus Street to approximately 180 feet north thereof, and;

West Cremona Street from Fifth Avenue West to Sixth Avenue West, and;

Alley in Block 7, Replat of Longate Addition being the alley between Fifth Avenue West and Sixth Avenue West, from West Cremona Street to West Dravus Street.

be and the same is hereby vacated; RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

NOTICE:
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IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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Section 2 This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

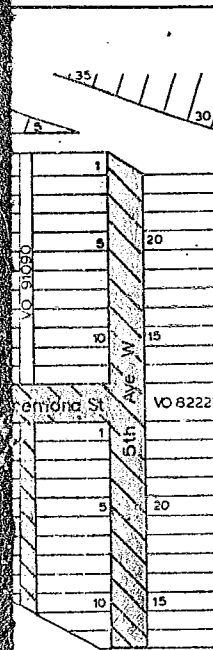
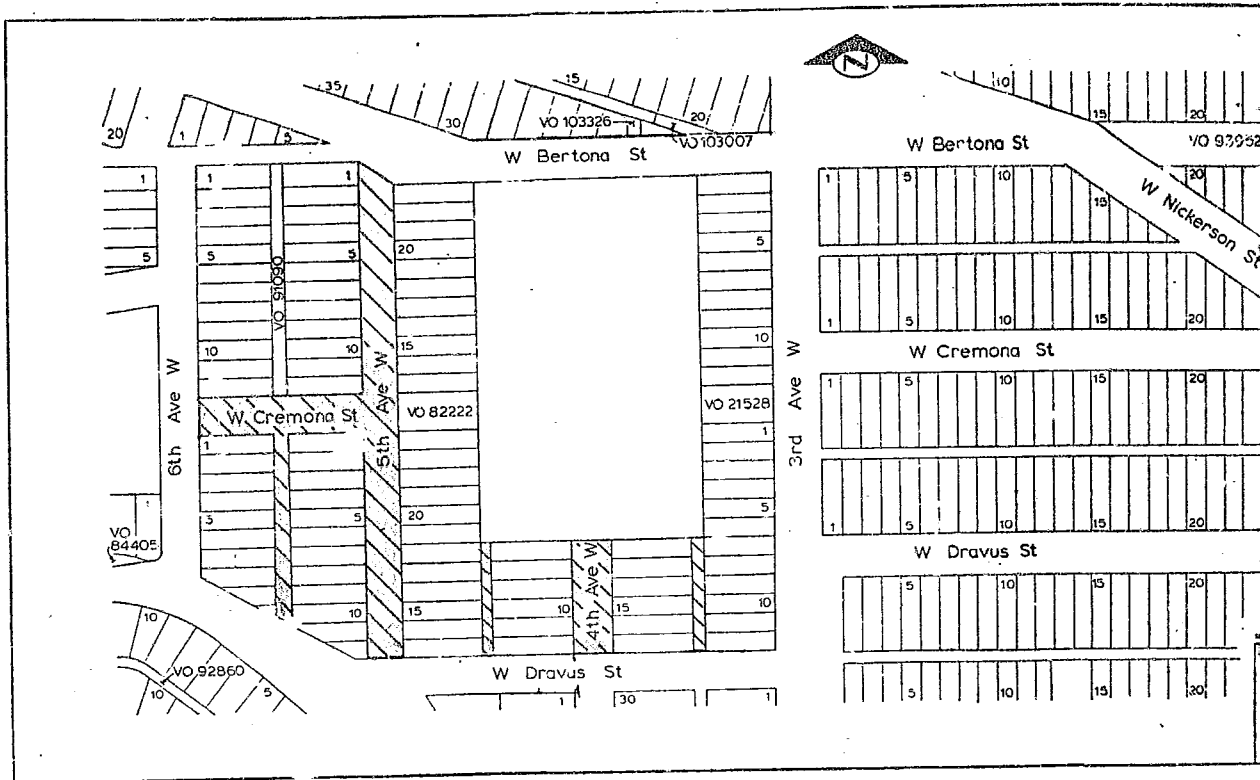
Passed by the City Council the 12th day of April, 1993
and signed by me in open session in authentication of its passage this 12th day of April, 1993

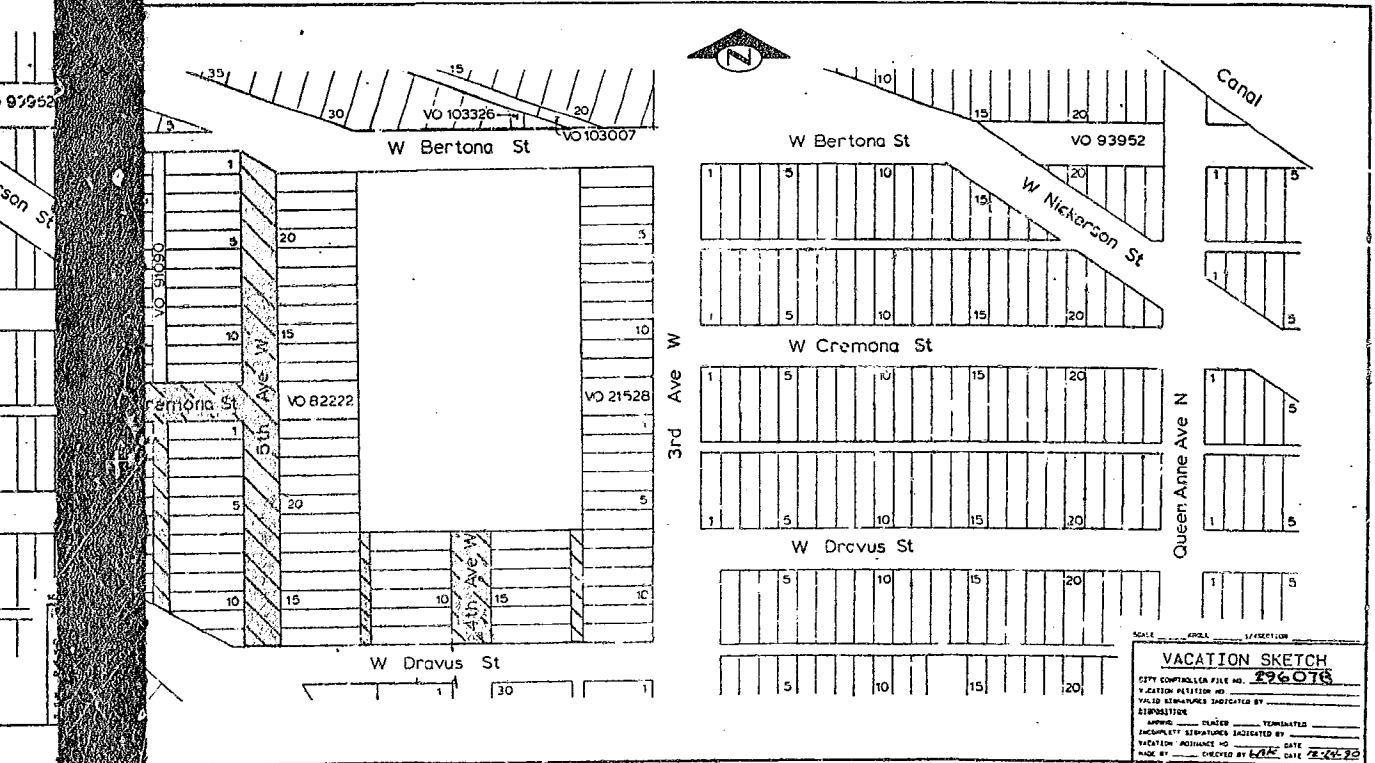
President [Signature] of the City Council.
Approved by me this 13 day of April, 1993

[Signature] Mayor.
Filed by me this 14 day of April, 1993

(SEAL)

Published By Margaret Cuta Deputy Clerk.





Seattle
Engineering Department

Gary Zarker, Director
Norman B. Rice, Mayor



February 22, 1993

Honorable Martha Choe
Transportation Committee
Seattle City Council
600 Fourth Avenue
Seattle, Washington 98104

VIA: Mayor Rice

ATTENTION: Office of Management and Budget

SUBJECT: Vacation of a Portion of
Fifth Avenue West, et al
Comptroller File No. 296078

Honorable Members:

Enclosed is a Council Bill to vacate portions of the following streets and alleys, identified in Comptroller File No. 296078 as:

Fifth Avenue West from West Dravus Street to West Bertona Street, and;

Fourth Avenue West from West Dravus Street to its dead end approximately 180 feet north of West Dravus Street, and;
Alley in Block 3, Victory Addition, being the alley between Fourth Avenue West and Fifth Avenue West and from West Dravus Street to approximately 180 feet north thereof, and;

West Cremona Street from Fifth Avenue West to Sixth Avenue West, and;

Alley in Block 7, Replat of Irongate Addition being the alley between Fifth Avenue West and Sixth Avenue West, from West Cremona Street to West Dravus Street.

BACKGROUND

Seattle Pacific University, (SPU), petitioned the City to vacate the above noted streets and alleys as a part of its Major Institution Master Plan, C.F. 294426. In the late 1970s when SPU saw the need to develop a plan for the future there were no official standards for institutional master plans. SPU began

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Honorable Members
February 22, 1993
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their planning process in 1979-80 with the adoption of the initial, Second Century Master Plan. A citizen advisory committee was formed at that time to help shape the revised Second Century Master Plan which was released in 1986. The Master Plan noted a variety of reasons for the planning process including; to accommodate change with a minimum of disruption, to provide the City and the surrounding community with a clear statement of the intent of SPU's plans for future development, and to define a physical framework that will enable SPU to pursue its educational and religious mission and to continue providing quality services to the public.

The final review for the Master Plan and the street vacation petition proceeded on a parallel process through the Council in 1990 and 1991. The Master Plan was reviewed by the Land Use Committee and was adopted by the City Council on March 4, 1991. SPU's Master Plan contemplated two phases of development activity covering the years 1986-1996. The Master Plan proposes facilities that would accommodate each of the University's academic programs and provides sufficient support facilities to serve those programs. The Master Plan contemplates another intensive time of review and revision for Phase II of the Plan.

The street vacation petition was approved by the City Council following a public hearing which was held on January 15, 1991. The vacation petition was approved subject to a number of conditions. The conditions included the requirement that the Council adopt the Master Plan, that SPU obtain ownership of all property abutting each street or make arrangements for access, and that SPU provide for relocation or easements for all existing utilities. In addition, SPU was required to dedicate certain property to the City for future street purposes.

In its review of the street vacation petition the City Council specifically authorized the exchange of parcels in order to offset some portion of the vacation fee. The Revised Code of Washington (RCW) 35.79 authorizes, and the Seattle Municipal Code (SMC) 15.62 requires, the payment of a street vacation fee in the amount of one-half of the appraised value of the subject property.

The property to be dedicated to the City is identified as:

Lots 6 through 10, Block 7, Springbrook Addition as recorded in Volume 2 of Plats, page 75, records of King County Washington, and;
Lots 4 through 8, Block 49, Denny and Hoyt's Addition, as recorded in Volume 2, page 136, Records of King County Washington, and;

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Honorable Members
February 22, 1993
Page 3

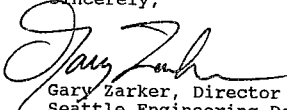
Lot 1, Block 3, Ross Second Addition as recorded in Volume
2 of Plats, page 140, Records of King County, Washington.

COMPLETION OF CONDITIONS

The petitioner has provided documentation that the conditions of the vacation have been satisfied. The petitioner has provided a copy of the deed dedicating the above referenced property to the City for street purposes. The property to be vacated and the property to be dedicated were both appraised to determine the fair market value of the parcels. The property to be dedicated to the City was determined to have a higher value than the property to be vacated. SPU has requested that the difference in value be applied to future street vacations which are planned for Phase II development activity. A total of \$26,950.00 will be credited toward future street vacation activity. Because the value of the property dedicated to the City exceeded the value of the property vacated to SPU, no additional vacation fee was required or paid.

I recommend approval of this Council Bill.

Sincerely,


Gary Zarker, Director
Seattle Engineering Department

GZ/BAB:bab

Enclosure

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ORDINANCE 116635

AN ORDINANCE vacating a portion of Fifth Avenue West and certain other streets and alleys on the petition of Seattle Pacific University (SPU) (Comptroller File No. 296078).

WHEREAS, there has been filed with the City Council the petition of Seattle Pacific University (Comptroller's File No. 296078), for the vacation of Fifth Avenue West et al as therein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on January 15, 1991, said petition was granted by the City Council; and

WHEREAS, pursuant to Section 35.79.030 and Seattle Municipal Code Chapter 15.62, in lieu of the payment of a vacation fee, the petitioner has deeded to the City property which is dedicated for street purposes. Said property has a value which exceeds one-half the appraised value of the property approved for vacation according to an appraisal obtained by the Director of Engineering; and

Now, Therefore;

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

Fifth Avenue West from West Dravus to West Bertona Street, and;
Fourth Avenue West from West Dravus Street to its dead end approximately 180 feet north of West Dravus Street, and
Alley in Block 3, Victory Addition being the alley between Fourth Avenue West and Fifth Avenue West and from West Dravus Street to approximately 180 feet north thereof, and;
West Cremona Street from Fifth Avenue West to Sixth Avenue West, and;
Alley in Block 7, Replat of Irongate Addition being the alley between Fifth Avenue West and Sixth Avenue West, from West Cremona Street to West Dravus Street.

be and the same is hereby vacated; RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

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FILED
CITY OF SEATTLE
50 JUN -4 PM 3:12
CITY CLERK

STATE OF WASHINGTON
COUNTY OF KING
CITY OF SEATTLE

} ss

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY
CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT
COPY OF Ordinance 116635

AS THE SAME APPEARS ON FILE, AND OF RECORD IN THIS DEPARTMENT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED
THE SEAL TO THE CITY OF SEATTLE, THIS 22nd day of April 1993.

JUDITH E. PIPPIN
CITY CLERK

Margaret Carter

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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Section 2 This ordinance shall take effect and be in force thirty days from and after its passage and
approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the
provisions of the city charter.

Passed by the City Council the 12th day of April, 1993

and signed by me in open session in authentication of its passage this 12th day of
April, 1993

President of the City Council

Approved by me this 13th day of April, 1993

Norman B. Ellis
Mayor.

Filed by me this 14th day of April, 1993

(SEAL)

Published By *Margaret Carter*
Deputy Clerk.

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Martha Chae

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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City of Seattle

Executive Department—Office of Management

Diana Gale, Director
Norman B. Rice, Mayor

March 1, 1993

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the following request be adopted:

REQUESTING
DEPARTMENT Engineering

SUBJECT: AN ORDINANCE vacating a portion of John A. Road, N. 101st
and certain other street, adjacent to the property of Seattle
Pacific University (SPU) (see previous file No. 100-014).

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary re-drafting of the enclosed legislation, please return the legislation to OMB. Any specific questions regarding the request can be directed to Bob Goldstein at 684-8075.

Sincerely,

Norman B. Rice
Mayor

by

DIANA GALE
Budget Director

For Diana Gale

DG/bg/rsp

Enclosure

cc: Director, SED

STATE OF WASHINGTON - KING COUNTY

29169
City of Seattle

—SS.

No. ORDINANCE IN

City of Seattle

ORDINANCE 116635
AN ORDINANCE vacating a portion of Fifth Avenue West, and certain other streets and alleys on the Pacific University (SPU) (Comptroller File

WHEREAS, there has been filed with the City of Seattle Pacific University (Comptroller File 296078), for the vacation of Fifth Avenue West, therein fully described; and

WHEREAS, following a public hearing on said petition commenced on January 19, 1991, said petition was approved by the City Council; and

WHEREAS, pursuant to Section 35.79.030 and 35.79.035 of the City Code Chapter 35.79, in lieu of the payment of the petitioner has dedicated to the City property for street purposes. Said property which exceeds one-half the appraised value approved for vacation according to an appraisal by the Director of Engineering; and

Now, Therefore;

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

Fifth Avenue West from West Dravus Street, and;
Fourth Avenue West from West Dravus Street, and approximately 180 feet Dravus Street, and
Alley in Block 3, Victory Addition between Fourth Avenue West and Fifth Avenue West, and from West Dravus Street to 21 feet north thereof, and;
West Cremona Street from Fifth Avenue West, and;
Alley in Block 7, Reginald of Irongate between the alley between Fifth Avenue West, from West Cremona Dravus Street.

be and the same is hereby vacated; RESERVING Seattle the right to make all necessary slope fills upon the above-described property in original grading of any rights-of-way abut property after said vacation.

Section 2. This ordinance shall take effect and be in force after its passage and approval, if approved by the Mayor, otherwise at the time it shall become a law under the provisions of the city code. Passed by the City Council the 12th day of April, 1993, and session in authentication of its passage this 12th day of April, 1993.

GEORGE E. BENSON,
President of the City Council
Approved by me this 13 day of April, 1993.
NORMAN B. RICE,
Mayor.

Filed by me this 14 day of April, 1993.
JUDITH E. PIPPIN,
City Clerk.

(Seal) By: MARGARET CARTER,
Deputy Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk.
Date of official publication in Daily Journal of Commerce 1993.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 11th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD: 116635

was published on

04/22/93

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

A. Hardner

Subscribed and sworn to before me on

04/22/93
[Signature]

Notary Public for the State of Washington,
residing in Seattle

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Affidavit of Publication

STATE OF WASHINGTON - KING COUNTY

29169
City of Seattle

-SS.

City of Seattle

No. ORDINANCE IN

ORDINANCE 116635
AN ORDINANCE vacating a portion of Fifth Avenue West and certain other streets and alleys on the petition of Seattle Pacific University (SPU) (Comptroller's File No. 296078).

Affidavit of Publication

WHEREAS, there has been filed with the City Council the petition of Seattle Pacific University (Comptroller's File No. 296078), for the vacation of Fifth Avenue West et al as therein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on January 15, 1991, said petition was granted by the City Council; and

WHEREAS, pursuant to Section 35.79.031 and Seattle Municipal Code Chapter 22.22, in lieu of the payment of a vacation fee, the petitioner has deeded to the City property which is dedicated for street purposes. Said property has a value which exceeds one-half the appraised value of the property approved for vacation according to an appraisal obtained by the Director of Engineering; and

Now, Therefore;
BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

Fifth Avenue West from West Dravus Street to West Bertona Street, and;
Fourth Avenue West from West Dravus Street to its intersection and approximately 180 feet north of West Dravus Street, and
Alley in Block 3, Victory Addition being the alleyway between Fourth Avenue West and Fifth Avenue West and from West Dravus Street to approximately 180 feet north thereof, and;
West Cremona Street from Fifth Avenue West to Sixth Avenue West, and;
Alley in Block 7, Replat of Irongate Addition being the alleyway between Fifth Avenue West and Sixth Avenue West, from West Cremona Street to West Dravus Street.

be and the same is hereby vacated; RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 12th day of April, 1993, and signed by me in open session in authentication of its passage this 12th day of April, 1993.

GEORGE E. BENSON,
President of the City Council.

Approved by me this 12th day of April, 1993.

NORMAN B. RICE,
Mayor.

Filed by me this 14th day of April, 1993.

JUDITH E. PIPPIN,
City Clerk.

(Said) By: MARGARET CARTER,
Deputy Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, April 22, 1993.
4/22/93

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months the date of publication hereinafter referred to, published in English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce the 12th day of June, 1941, approved as a legal newspaper Superior Court of King County.

notice in the exact form annexed, was published in regular issue of The Daily Journal of Commerce, which was regularly printed to its subscribers during the below stated period. The notice, a

116635

blished on

22/93

of \$, which amount has been paid in full.

Arthur J. Gardner

Subscribed and sworn to before me on

04/22/93

William J. [Signature]

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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